

CITY COUNCIL AGENDA

AUGUST 16, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:33 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: None.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:03 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 7)**
Quori Stewart, District 7 resident and active member of the Bethesda Community Church presented a poem of a new San Jose.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation and a Neighborhood Improvement Award Plaque. (Parks, Recreation and Neighborhood Services)
HEARD IN THE EVENING
Mayor Gonzales was joined at the podium by Director of Parks, Recreation and Neighborhood Services Sara L. Hensley presented proclamations and Neighborhood Improvement Award Plaques to community members and organizations dedicated to improving San José neighborhoods and communities.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Tony Torres and Teddy Day for rendering CPR to a community volunteer. (Parks, Recreation and Neighborhood Services)
HEARD IN THE EVENING
Mayor Gonzales and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley presented a commendation to Tony Torres and Teddy Day for rendering CPR to a community volunteer.
- 1.3 Presentation of scholarships given out annually by the Hispanic Association of City Employees (HACE) to outstanding volunteers and academically high achieving students. (Mayor/Campos/Chavez)
Mayor Gonzales was joined by Vice Mayor Chavez and Council Member Campos to present scholarships to outstanding volunteers and academically high achieving students from the Hispanic Association of City Employees (HACE).
- 1.4 Presentation of a Proclamation for August Breastfeeding Awareness Month. (Chavez)
Vice Mayor Chavez joined Mayor Gonzales at the podium to present a proclamation for August Breastfeeding Awareness Month.
- 1.5 Presentation of a commendation to Chris Rowher for his participation in the 2005 NFL Youth Football Summit. (Cortese)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Cortese presented a commendation to Chris Rowher for his participation in the 2005 NFL Youth Football Summit and contributions to the community of San José.
- 1.6 Presentation of a commendation to Global Netoptex, Inc. for its important contribution to the San José economy. (Mayor/Vice Mayor)
(Rules Committee referral 8/10/05)
Mayor Gonzales was joined at the podium by Vice Mayor Chavez to present a commendation to representatives of Global Netoptex, Inc (GNI) for its important contribution to the economy of San José.
- 1.7 Presentation of commendations to Terik Daly, Oak Grove High School and Steven Hao, Silver Creek High School for winning awards at the International Engineers School Festival. (Williams)
(Rules Committee referral 8/10/05)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Williams presented commendations to Terik Daly of Oak Grove High School and Steven Hao of Silver Creek High School in honor of their achievements and awards at the International Engineers School Festival.

1 CEREMONIAL ITEMS

- 1.8** Presentation of a commendation to the Santa Clara Valley Chapter of the American Red Cross in recognition of its invaluable service to the community. (Yeager)
(Rules Committee referral 8/10/05)
Council Member Yeager joined Mayor Gonzales to present a commendation to the Santa Clara Valley Chapter of the American Red Cross in recognition of its invaluable service to the community of San José.
- 1.9** Presentation of a commendation to the Assyrian Church of the East on the occasion of their Annual Assyrian Festival from August 20-21, 2005. (Yeager)
(Rules Committee referral 8/10/05)
Mayor Gonzales and Council Member Yeager presented a commendation to the Assyrian Church of the East on the occasion of their Annual Assyrian Festival from August 20-21, 2005.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.**
None.
- 2.2 Final adoption of ordinances.**
None.
- 2.3 Approval to award a contract for the Taffy Drive Main Replacement.**

Recommendation: Report on bids and award of contract for the Taffy Drive Main Replacement to the low bidder, San José Water Company, in the amount of \$196,341.74 and approval of a contingency in the amount of \$20,000. CEQA: Exempt, PP04-254. Council District 8. (Environmental Services)
Approved.
- 2.4 Approval of open purchase orders for supplies, materials, equipment and services.**

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2005-2006 #3 and authorization for the Director of Finance to negotiate the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)
Approved.

2 CONSENT CALENDAR

2.5 Approval of actions related to ProjectWise software.

Recommendation: Adoption of a resolution authorizing Director of Finance to negotiate and execute:

- (a) An amendment to the existing agreement with Carter & Burgess, Inc. to purchase Bentley Systems Inc. ProjectWise software and related installation, first year maintenance, and licensing, increasing compensation by \$133,073, from \$240,000 to a total maximum compensation not to exceed \$373,073; and
- (b) Change orders in a contingency amount not to exceed \$10,000 for unforeseen changes/requirements that may arise in the deployment of the software.

CEQA: Resolution Nos. 67380 and 71451, PP05-081. (Finance/Airport)

Resolution No. 72850 adopted.

2.6 Approval of a Turnkey Parkland Agreement for the expansion of Pellier Park.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Turnkey Parkland Agreement with City Heights LLC, in conjunction with Barry Swenson Builder, to dedicate land for the expansion of Pellier Park, and to complete the renovation of Pellier Park as mandated by the requirements in Tentative Map No. PT 04-103. CEQA: Resolution No. 68839, and addenda thereto under File No. PDC01-100. Council District 3. (Parks, Recreation and Neighborhood Services)

Resolution No. 72851 adopted.

2.7 Approval of actions related to the annexation of McKee No. 128.

Recommendation: Adoption of a resolution initiating proceedings and setting August 30, 2005 at 1:30 p.m. for Council consideration on the reorganization of territory designated as McKee No. 128 which involves the annexation to the City of San José of 1.19 acres of land more or less, located at the on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue and adjacent to the City of San José annexations McKee Nos. 117 and 40 and the detachment of the same from Central Fire Protection, Area No.01 (Library Services) County Services and Sanitation District 2-3. CEQA: GP2020 EIR, Resolution No. 65459, File No. C04-090. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 72852 adopted.

2 CONSENT CALENDAR

2.8 Approval of various actions related to Historic Landmark initiations.

Recommendation:

- (a) Adoption of a resolution to:
- (1) Initiate proceedings to consider the Curtis House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
 - (2) Set a public hearing on September 27, 2005 at 1:30 p.m.
 - (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- CEQA: Exempt, File No. HL05-152. Council District 3. SNI: University.
(Planning, Building and Code Enforcement)
Resolution No. 72853 adopted.

- (b) Adoption of a resolution to:
- (1) Initiate proceedings to consider the Dennis House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
 - (2) Set a public hearing on September 27, 2005 at 1:30 p.m.
 - (3) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- CEQA: Exempt, File No. HL05-153. Council District 3. (Planning, Building and Code Enforcement)
Resolution No. 72854 adopted.

2.9 Approval of a budget increase for the Penitencia Creek Development Project.

Recommendation: Approval of a contingency budget increase in the amount of \$23,500, from \$41,500 to a total contingency budget of \$65,000 for the Penitencia Creek Reach 2 Phase 1 Development Project. CEQA: Mitigated Negative Declaration, PP01-03-062. Council District 4. (Public Works)
Approved.

2.10 Approval to submit a grant application to the Surface Transportation Program.

Recommendation: Adoption of a resolution authorizing the City Manager to file an application for additional Federal Surface Transportation Program (STP) funding in the amount of \$2,742,000 for the FY 2005-2006 STP Street Resurfacing Project and to commit the necessary City funding match of \$358,000, for a total project cost in the amount of \$3,100,000. CEQA: Exempt, File No. PP04-233. (Transportation)
Resolution No. 72855 adopted.

2 CONSENT CALENDAR

2.11 Approval of amendments to the City Pay Plan.

Recommendation: Adoption of a resolution to change the salary ranges effective August 1, 2004 for the classifications of:

(a) Office Specialist I C (1127) and (1129) PT.

(b) Secretary C (1157).

CEQA: Not a Project. (Employee Services)

(Rules Committee referral 8/10/05)

Resolution No. 72856 adopted.

2.12 Approval of actions to perform an audit of the City Auditor's Office for FY 2003-2004 and FY 2004-2005.

Recommendation: Adoption of a resolution authorizing the City Clerk to execute an agreement with the National Association of Local Government Auditors to perform an audit of the City Auditor's Office for FY 2003-2004 and FY 2004-2005. (Mayor)

(Rules Committee referral 8/10/05)

Resolution No. 72857 adopted.

2.13 Approval of two nominations to the WIN Board of Directors.

Recommendation: Approval of two nominations to the WIN Board of Directors.

(Mayor)

(Rules Committee referral 8/10/05)

Deferred to 8/23/05.

2.14 Consideration of a proposed amendment to the Municipal Code, as it relates to campaign contributions.

Recommendation: Discussion and direction to staff of a proposed amendment to the Municipal Code which would provide that payments by an employer to an employee who works on municipal political campaigns, are to be treated as campaign contributions, subject to the City's campaign contribution limits and disclosure requirements. (City Attorney's Office)

Deferred to 9/13/05. City Attorney directed to provide follow-up information in response to Council questions.

2.15 Approval of an ordinance amending the definition of "cover material" for purposes of the disposal facility tax.

Recommendation: Approval of an ordinance amending Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code to revise the definition of "cover material" for purposes of the disposal facility tax. CEQA: Not a Project. (City Attorney's Office)

(Deferred from 8/9/05 – Item 2.8)

Ordinance No. 27512 passed for publication.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee

Vice Mayor Chavez, Chair

No Report.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Approval of City Council response to the 2004-2005 Santa Clara County Civil Grand Jury Report regarding the December 2004 amendment to the Grand Jury Report regarding the Norcal Recycle Plus Agreement.

Recommendation: Approval of City Council response to the 2004-2005 Santa Clara County Civil Grand Jury Report regarding the December 2004 amendment to the Norcal Recycle Plus Agreement. (City Manager/City Attorney)

(Rules Committee referral 8/10/05)

Deferred to 8/30/05.

4 COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chirco, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Approval of actions related to the San José Medical Center.

Recommendation: Acceptance of the staff report and provide direction to staff to either:

- (a) Proceed with negotiations with the Gardner Family Health Network and Cornerstone Affiliates/Greystone Communities/American Baptist Homes of the West to create a joint development plan for a facility providing comprehensive outpatient health services, and a state of the art continuing care retirement community; or

- (b) Prepare a work plan for a stakeholder based community planning process for the San José Medical Center site and surrounding properties on East Santa Clara Street to be brought back to City Council for approval in ninety days.

CEQA. Not a Project. (Economic Development)

Deferred to 8/23/05.

5 NEIGHBORHOOD SERVICES

- 5.1 Report of the All Children Achieve Committee
Council Member Yeager, Chair
No Report.**

- 5.2 Approval of Sunday service hours at several branch libraries.**

Recommendation: Approval of Sunday branch library service to be offered from 1-5 p.m. at the following branches beginning September 18, 2005: Berryessa, Dr. Roberto Cruz Alum Rock, Tully Community, Vineland, Santa Teresa, and West Valley, and the Rose Garden Branch when it re-opens in Fall 2005. CEQA: Not a Project. (Library)

Approved.

Staff directed to continue working with the Library Director and Municipal Employees Federation Union representatives on rebound strategies regarding library service hours.

Noes: Reed.

- 5.3 Approval of amendments to the Parkland Dedication Ordinance and Park Impact Ordinance.**

Recommendation:

- (a) Approval of an ordinance to amend the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), Chapters 19.38 and 14.25, of the San José Municipal Code, respectively, to incorporate additions to the types of parkland and improvements acceptable for dedication and to add and/or clarify certain definitions and sections of the Ordinances.
- (b) Adoption of a resolution to amend the associated fee schedule for PDO/PIO to:
 - (1) Provide private recreational credits for the following active elements as recommended:
 - (a) Private dog park amenities at least 400 square feet or more in size;
 - (b) Private garden plots;
 - (c) Private urban plaza areas and/or public garden spaces of 1,000 square feet or more that are contiguous to a public right-of-way or on a rooftop area open to the public at least 360 days per year during daylight hours; and
 - (d) Rooftop recreation facilities open to the public at least 360 days per year.
 - (2) Exempt downtown core area developments from private recreational credit requirements to provide the required active recreational elements.

5 NEIGHBORHOOD SERVICES

5.3 Approval of amendments to the Parkland Dedication Ordinance and Park Impact Ordinance. (Cont'd.)

Recommendation:

- (b) Adoption of a resolution to amend the associated fee schedule for PDO/PIO to:
 - (3) Provide recreational credits for the following public improvements as recommended:
 - (a) Credit for land in fee or by an easement acceptable to the City Attorney and/or trail construction costs associated with completing the proposed City Trail System;
 - (b) Credit for land and/or construction costs of new community gardens; and
 - (c) Grant up to fifty percent (50%) credit for dedication of public land under the PDO and PIO that is used for multi-purpose stormwater detention and/or filtering areas developed under provisions of the City's Urban Runoff Management Plan that also provides a recreational benefit.

CEQA: Exempt, PP02-05-131. (Parks, Recreation and Neighborhood Services)
(Continued from 6/21/05 – Item 5.2)

TO BE HEARD IN THE EVENING

Deferred to a future date.

6 TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair No Report.

6.2 Approval of fiscal actions and an agreement for street maintenance.

Recommendation:

- (a) Approval of the following appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund:
 - (1) Establish an appropriation to the Department of Transportation for Proposition 42 Street Pavement Maintenance Project in the amount of \$4,145,000.
 - (2) Increase the estimate for Earned Revenue by \$4,145,000.
- (b) Approval of a cooperation agreement with the City of Santa Clara to perform street maintenance on Stevens Creek Boulevard from west of Bret Avenue to west of Redwood Avenue, in an amount not to exceed \$800,000.

CEQA: Exempt, PP04-039. Council District 1. (Transportation/City Manager's Office)
Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

8 PUBLIC SAFETY SERVICES

9 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**

A. Authority of Initiate Litigation:

Authority to initiate litigation was given in two (2) matters. The names of the actions and the defendants as well as the substance of the litigation shall be disclosed to any person upon inquiry once the actions are formally commenced.

Matter No. 1:

Council Vote: **Ayes: Ron Gonzales, Nora Campos, Cindy Chavez, Judy Chirco, Dave Cortese, Linda J. LeZotte, Nancy Pyle, Chuck Reed, Ken Yeager, and Forrest Williams.**

No: None.

Abstain: None.

Not Present: None.

Matter No. 2:

Council Vote: Ayes: Ron Gonzales, Judy Chirco, Linda J. LeZotte, Nancy Pyle, Chuck Reed, and Ken Yeager.

No: Nora Campos, Cindy Chavez, David Cortese, and Forrest Williams.

Abstain: None.

Not Present: None.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9692	S/S of Tully Road, 600 S/W Senter Road	7	ROEM	64 Lots	Multi- Family	Approve

- **Open Forum—**
 - (1) Armando Casatillo shared a personal vision for Santa Clara Street.
 - (2) Darlene Wallach reiterated concerns previously expressed about the importance of police officers identifying themselves by name and badge number. In addition, she asked that the Council's discussion on "plugging campaign loopholes" be held in the evening.
 - (3) Ross Signorino urged the Council to follow New York City's model plan to reduce the sale of fried foods at certain fast food restaurants.

10 GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11 PUBLIC HEARINGS

11.1 Public Hearing on Conforming Planned Development Rezoning to allow private health care facility uses in addition to previously approved hotel, athletic club, and office space uses on a 10.48 gross acre site.

Recommendation: Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow private health care facility uses in addition to previously approved hotel, athletic club, and office space uses on a 10.48 gross acre site, located at/on the southwest corner of Piercy Road and Valley Place (5815 Silver Creek Pl) (Coyote Creek Business Park, Owner: California Center for Healthcare John G. Kelley, Developer). CEQA: Edenvale Redevelopment Expansion Area Resolution No. 67245. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

PDC05-045 - District 2

Ordinance No. 27515 passed for publication.

11.2 Public Hearing on and consideration of an appeal related to the off-sale of alcoholic beverages.

Recommendation: Public Hearing on and consideration of appeal of the Planning Commission's decision to deny a Conditional Use Permit to allow the off-sale of alcoholic beverages at an existing retail establishment located at the West side of S. First Street, 100 feet North of Post Street (33 S. First Street). Director of Planning, Building and Code Enforcement Recommends: Uphold the Planning Commission's decision to deny Conditional Use Permit CP04-104. CEQA: Exempt, CP04-104. (Planning, Building and Code Enforcement)

CP04-104 -District 3

Dropped..

11.3 Public Hearing on Rezoning from CG Commercial General Zoning District to DC Downtown Primary Commercial Rezoning to allow residential uses on a 0.09 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a rezoning from CG Commercial General Zoning District to DC Downtown Primary Commercial Rezoning to allow residential uses on a 0.09 gross acre site, located at/on the northwest corner of N. 2nd Street and Devine Street (257 N 2nd St.) (Fazekas Daryl, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

C04-067 - District 3

Continued to 9/13/05.

11 PUBLIC HEARINGS

11.4 Public Hearing on Planned Development Rezoning from CP Commercial Pedestrian Zoning District and R-2 Two-Family Residence Zoning District to A(PD) Planned Development Rezoning to allow up to 17 single-family attached residences on a 0.75 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from CP Commercial Pedestrian Zoning District and R-2 Two-Family Residence Zoning District to A(PD) Planned Development Rezoning to allow up to 17 single-family attached residences on a 0.75 gross acre site, located at/on the northeast corner of Almaden Avenue and W. Alma Avenue (1390 Almaden Ave.) (Neighborhood Housing Svcs Silicon Vly, Owner). SNI: Washington. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1)), with the following Condition to No. 3 as follows: Provide on-site parking that conforms to the Residential Design Guidelines with up to a 16 percent reduction due to the site's proximity to alternative modes of travel, including a passenger rail station.

PDC05-019 - District 3

Ordinance No. 27516 passed for publication.

11.5 Public Hearing on Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Rezoning to allow six single-family attached residences in an existing building on a gross 0.17 acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Rezoning to allow six single-family attached residences in an existing building on a gross 0.17 acre site, located on the east side of 10th Street, approximately 150 feet south of San Salvador Street (422 S. 10th Street) (José and Patricia Amaya, Owner). SNI: University. CEQA: Exempt.

PDC05-025 - District 3

Continued to 8/30/05.

11.6 Public Hearing on Planned Development Rezoning from the R-M Residential District to the A(PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three detached and two attached residential units on a 0.33 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from the R-M Residential District to the A(PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three detached and two attached residential units on a 0.33 gross acre site, located on the south side of State Street, approximately 100 feet westerly of Essex Street (1391 State Street) (Victor J. Martina, Owner).

PDC05-002 - District 4

Dropped.

11 PUBLIC HEARINGS

11.7 Public Hearing on Conforming Conventional Rezoning to allow for R-1-8 Single-Family Residence District to the R-M Multiple Residence District to allow for multi-family residential uses on a 0.13 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Conforming Conventional Rezoning from the R-1-8 Single-Family Residence District to the R-M Multiple Residence District to allow for multi-family residential uses on a 0.13 gross acre site, located on the northerly side of Michigan Avenue, approximately 200 feet southwest of Pacific Street (Isidiro Ancheta, Owner). CEQA: San José 2020 General Plan Environmental Impact Report. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C05-057 - District 4

Continued to 8/30/05.

11.8 Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Rezoning to allow up to 109 single-family attached residences and the demolition of existing industrial buildings on a 4.0 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Rezoning to allow up to 109 single-family attached residences and the demolition of existing industrial buildings on a 4.0 gross acre site, located on the northeast corner of Autumnvale Drive and Trade Zone Blvd. (2450 Autumnvale Dr.) (Autumnvale Associates, Inc., Adams Capital Management Co. Edwin Kawamoto, Owner). CEQA: Mitigated Negative Declaration.

PDC04-109 - District 4

Continued to 8/30/05.

11.9 Public Hearing on Planned Development Prezoning from County to the A(PD) Planned Development Prezoning to allow up to 2 existing single-family residences on a 2.0 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Prezoning from County to the A(PD) Planned Development Prezoning to allow up to 2 existing single-family residences on a 2.0 gross acre site, located on the north side of Fleming Avenue, approximately 350 feet east of Fourier Drive (1238 Fleming Ave.) (Carl R. and Helen M. Gunnels, Trustee, Owner). CEQA: ~~Exempt~~. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC05-015 - District 5

Correction to CEQA designation from “Exempt” to “Mitigated Negative Declaration”.

Ordinance No. 27517 passed for publication.

11 PUBLIC HEARINGS

11.10 Public Hearing on Conforming Conventional Rezoning from R-M Residential Multiple District to CN Commercial Neighborhood Rezoning to allow commercial uses on a 0.22 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning from R-M Residential Multiple District to CN Commercial Neighborhood Rezoning to allow commercial uses on a 0.22 gross acre site, located on the southwest side of Park Avenue, approximately 150 feet northwest of Emory Street (1819 Park Ave.) (Mehdi Mahmoodvandi, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C05-065 - District 6

Ordinance No. 27518 passed for publication.

11.11 Public Hearing on Planned Development Rezoning from R-1-8 Residence District to A(PD) Planned Development Rezoning to allow 10 single-family detached residences on a 1.0 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-1-8 Residence District to A(PD) Planned Development Rezoning to allow 10 single-family detached residences on a 1.0 gross acre site, located at/on the west side of Delmas Avenue, approximately 170 feet north of Dorothy Avenue (1203 Delmas Ave.) (Greg Schatzel, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1).

PDC04-099 - District 6

Continued to 8/30/05.

11.12 Public Hearing on Planned Development Rezoning from IP Industrial Park to LI(PD) Planned Development Rezoning to allow up to 58,555 square feet of industrial and commercial uses on a 3.86 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP Industrial Park to LI(PD) Planned Development Rezoning to allow up to 58,555 square feet of industrial and commercial uses on a 3.86 gross acre site, located at the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue (2266 Senter Road) (Victor J. Lobue, Trustee, et al., Owner: Green Valley Corporation, dba Barry Swensen Builder, Developer). SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC04-111 - District 7

Ordinance No. 27519 passed for publication.

11 PUBLIC HEARINGS

11.13 Public Hearing to allow two single-family detached residences.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-5 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow two single-family detached residences on a 0.57 gross acre site, located on the southeast side of Elwood Drive, approximately 100 feet southerly of Nikette Way (Masoumi Efat K and Mosoumi Mosen K, Owner). CEQA: ~~Draft~~ Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). PDC04-059 - District 10

**Correction made to CEQA designation from “Draft Mitigated Negative Declaration” to “Mitigated Negative Declaration”.
Ordinance No. 27520 passed for publication.**

- **Open Forum**
 - (1) **Mark Trout shared personal commentary on religious beliefs.**

- **Adjournment**

The Council of the City of San José was adjourned at 7:34 p.m. in memory of Joanne Shirakawa, mother of former Vice Mayor George Shirakawa, Jr.; and in memory of Kathleen F. Harris, of the City of San José’s Legislative Office in Sacramento.